

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF PENNSYLVANIA

FILED

ANTHONY DeFRANCO,
Plaintiff,

V.

WILLIAM WOLFE, et al.,
Defendants.

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No.C.A. 04-230-E
Magistrate Judge Baxter
District Judge Cohill

'06 JUN 30 A10:08

CLERK
U.S. DISTRICT COURT

MOTION TO COMPEL INTERROGATORIES

AND NOW, comes plaintiff, respectfully bringing forth this motion to compel the production of interrogatories and in support avers:

1. Plaintiff has filed interrogatories upon the defendants and has further notified counsel for the defendants' that said interrogatories were late.

2. Specifically, plaintiff submitted interrogatories for defendant Beard on May 23, 2006. These interrogatories were never returned to plaintiff (or even answered to plaintiff's knowledge).

3. Further, plaintiff submitted his second set of interrogatories for defendant's Showers and Jackson. These were submitted back on or about **May 3**, 2006. Because there was no answer, plaintiff *resubmitted* these exact interrogatories again on June 12, 2006, asking counsel to answer them *promptly* due their being extremely late.¹

¹ In fact, plaintiff had written defendants counsel, Attorney Friedline, two (2) letters. One was in April 2006 requesting that she set up a conference call between her and plaintiff where they could discuss discovery and other relevant issues. Moreover, plaintiff asked that a discovery dead-line page be sent to him so that they could keep tract of discovery and deadlines. Unfortunately, there has been no reply by the defendants.

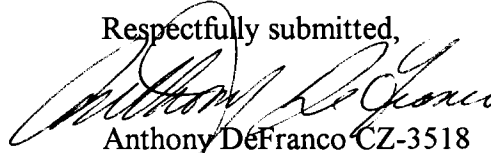
4. Plaintiff is mindful of this Court's statement in regards of filing motions however, the defendants are now purposely hindering discovery to force him into filing with the Court, which the defendants now know is upsetting the Court. Given the circumstances of the defendants non-compliance with the discovery rules, not responding to anything, places on plaintiff the need to file with the Court in order to receive discovery and preserve his appellate rights.

5. Plaintiff respectfully asks this Court to issue an order directing the defendants timely submit interrogatories (even counting the 2nd set of interrogatories, plaintiff is well below the 25 interrogatories to these specifically named defendants, allowed by rule). Additionally, plaintiff has submitted to the defendants his 2nd set of interrogatories to defendants Beard, Reilly, Brooks and Barr on June 22, 2006. They are not currently due but makes reference so the Court is aware in the event additional motions become necessary.

WHEREFORE, plaintiff prays this Honorable Court issue an Order directing the defendants to submit interrogatories forthwith and impose sanctions.

Date: June 28, 2006

Respectfully submitted,



Anthony DeFranco CZ-3518
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Certificate of Service

Service was made by U.S. First
Mail to Attorney General at
564 Forbes Ave., Pgh. Pa. 15219, this date